THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.16593 of 1997

Dated: 25.01.2007

Between:

Smt.J.Kanthamma W/o late Janakiramaiah (died) and others.

..... PETITIONERS

AND

The District Collector, Chittoor, Chittoor District and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.16593 of 1997

ORDER:

Petitioner claims to be the absolute owner of the land admeasuring Ac.0.80 cents in Sy.No.331 situated at Gangasagaram village,
H/o Greamspet village. She alleges that her husband acquired the said property about 70 years prior to filing of the writ petition and constructed a thatched house therein and was residing there with his family. Thereafter, he had established a private school in a portion of the said land and was managing the same and the remaining portion was used as a playground for the children. Subsequently, the then Panchayat Samithi of Chittoor took the management of the school and was running elementary school in the said premises by paying nominal rent to the husband of the petitioner, vide proceedings dated 03.09.1974 issued by the Block Development Officer, Chittoor.
In the year 1973 the petitioner's husband died and the panchayat Samithi continued to pay the rent to the petitioner.

The petitioner claims to have been paying house tax to the Reddigunta Grampanchayat and later to the Chittoor Municipality. While so, the villagers of Gangasagaram requested the concerned authorities to construct a pucca building in the said premises in the year 1978 and the then Tahsildar, Chittoor proposed to construct a school building and also issued proceedings dated 22.07.1978 to that effect. Thereafter, the District Collector, Chittoor, directed the Mandal Revenue Officer, to enquire as to whether it is a Government land or the private land, and if it is a private land, to show alternative land for constructing a building for the school. It is also alleged that the Mandal Revenue Officer, in collusion with others, recommended that the said site belongs to the Government. Thereafter on 09.03.1993, one Muniswami Naidu with the aid of anti social elements dispossessed the petitioner from the said land stating that he was granted contract for construction of the building in that site. Her grievance is that the respondents, without initiating any proceedings under the Land Acquisition Act and without following due process of law acquired her land. Hence, this writ petition.

Counter affidavit is filed on behalf of the respondents stating that the petitioner has no right whatsoever in the land in question and that she is not at all the owner of the said land.

In the light of the averments in the affidavit filed in support of this writ petition and the counter, this Court is of the view that this Court cannot go into the aspect as to whether the petitioner has no right whatsoever in the said property. In fact, even according to the petitioner the school building was constructed in a portion of the land and the remaining land is

used as a playground. Hence, the petitioner has to establish her title if at all she has any grievance. There are no merits in this writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

25.01.2007

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